

**GRIMM, VRANJES & GREER LLP**

MARK VRANJES, Esq. (SBN 106447)

E-mail: mvranches@gvgllp.com

MATTHEW MORACHE, Esq. (SBN 216253)

E-mail: mmorache@gvgllp.com

Post Office Box 129012

San Diego, CA 92112-9012

Tel: (619) 231-8802 Fax: (619) 233-6039

Attorneys for Defendant

**NORTH AMERICAN CAPACITY INSURANCE  
COMPANY**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**SOMPO JAPAN INSURANCE  
COMPANY OF AMERICA, a  
corporation,,**

**Plaintiff,**

**v.**

**ATAIN SPECIALTY INSURANCE  
COMPANY, fka USF INSURANCE  
COMPANY, a corporation, and  
NORTH AMERICAN CAPACITY  
INSURANCE COMPANY, a  
corporation,,**

**Defendants.**

Case No.: C 12 6156 CRB

**REQUEST TO ALLOW  
TELEPHONIC APPEARANCE AT  
CASE MANAGEMENT  
CONFERENCE; and ORDER**

Date: January 11, 2013

Time: 8:30 a.m.

Dept.: Courtroom 6

Judge: Hon. Charles R. Breyer

Complaint Filed: 12/4/12

Trial Date: None set

Defendant, NORTH AMERICAN CAPACITY INSURANCE COMPANY (hereinafter "NAC") hereby requests that the court allow NAC's counsel to appear by telephonic conference call at the Case Management Conference currently set for January 11, 2013 at 8:30 a.m. This request is based on the following factors:

1. NAC did not receive timely notice of the Case Management Conference. The noticed was served only on Co-Defendant, ATAIN SPECIALTY INSURANCE COMPANY, fka USF INSURANCE COMPANY on or about December 12, 2012;

2. NAC was served with the Complaint on December 18, 2012, at which time NAC received constructive notice of the CMC hearing;

3. NAC's first appearance in this case was January 8, 2013;

4. Due to the timing of the service of the Complaint and the date of NAC's first appearance in this matter, NAC was unable to comply with the Civil Local Rules regarding a seven (7) day advanced notice for a request for telephonic appearance per Civil Local Rule 16-10.

5. Due to the timing of the service of the Complaint and the date of NAC's first appearance in this matter, NAC was unable to comply with the initial disclosures and filing deadline for the Joint Case Management Statement per Civil Local Rule 16 and Federal Rule of Civil Procedure 26; and

6. The distance and expense of travel from Southern California to the location of the CMC hearing.

Matthew Morache, Esq. will be available by telephone at the scheduled appearance time at the following number: (619) 231-8802, extension 425.

Dated: January 8, 2013

GRIMM, VRANJES & GREER LLP

By: *Matthew Morache*

Mark Vranjes  
Matthew Morache  
Attorneys for Defendant  
NORTH AMERICAN CAPACITY  
INSURANCE COMPANY

IT IS SO ORDERED.

DATED: January 10, 2013

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Hon. Charles R. Breyer

